

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jerry L. Peete,

Civil No. 08-291 (DWF/FLN)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

M. Cruz, Warden of the
Duluth Federal Prison Camp,

Respondent.

Jerry L. Peete, *Pro Se*, Petitioner.

Jeffrey S. Paulsen, Assistant United States Attorney, United States Attorney's Office,
counsel for Respondent.

This matter is before the Court upon Petitioner's objections to Magistrate Judge Franklin L. Noel's Report and Recommendation dated February 5, 2008, recommending that Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 be dismissed for lack of jurisdiction.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Jerry L. Peete's objections (Doc. No. 7) to Magistrate Judge Franklin L. Noel's Report and Recommendation dated February 5, 2008, are **DENIED**.
2. Magistrate Judge Franklin L. Noel's Report and Recommendation dated February 5, 2008 (Doc. No. 5), is **ADOPTED**.
3. Petitioner Jerry L. Peete's application for habeas corpus relief under 28 U.S.C. Section 2241 (Doc. No. 1) is **DISMISSED** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 19, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court